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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

STORK, KYLE R

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/986,221
Filing Date: October 22, 2001
Appellant(s): ALEXANDER ET AL.

E. Michael Byorick
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 29 December 2005 appealing from the Office action mailed 27 July 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5708825

Sotomayor

1-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 9-13, and 15-19 remain rejected under 35 U.S.C. 102(e) as being anticipated by Sotomayor U.S. Patent No. 5,708,825 filed 5/26/1995.

In regard to independent claim 1, Sotomayor discloses generating a global index file comprising said subjects and a corresponding address of the text associated therewith (Sotomayor Col 34 Lines 58-67 and Col 35 Lines 1-11 and Col 8 Lines 22-23); generating a data structure indicative of a correspondence between said indices and associated said subjects (Sotomayor Abstract Lines 22-25); generating a subject name file comprising HTML-encoded target text associated therewith, for each of the subjects (Sotomayor Col 39 Lines 13-17); generating, for each of the indices, a first set of hyperlinks wherein each of the hyperlinks therein links one of the indices to the target text corresponding to one of the subjects in one of the indices (Sotomayor Col 38 Lines 61-67 and Col 39 Lines 1-4); and generating a second set of hyperlinks wherein each of the hyperlinks therein links one of the subjects to the text corresponding thereto in the subject name file. (Sotomayor Col 38 Lines 25-45)

Sotomayor discloses including the step of copying the first set of hyperlinks, the second set of hyperlinks, and the HTML-encoded target text to a web site. (Sotomayor Col 36 Lines 35-61 and Col 11 Lines 60-67 and Col 12 Lines 1-10)

Sotomayor discloses including the step of updating, on the web site, the hyperlinks necessary to link a web page on the web site to a new version of the document containing the HTML-encoded target text. (Sotomayor Col 4 Lines 22-48 and Col 5 Lines 53-62)

In regard to dependent claim 2, Sotomayor discloses displaying, in a first window, in accordance with said data structure, a list of the indices (Sotomayor Col Abstract Lines 22-25 and Col 38 Lines 42-46); displaying, in a second window, a set of sub-indices comprising a list of subjects corresponding to a selected one of the indices in the first window, using a corresponding one of the first set of hyperlinks (Sotomayor Col 38 Lines 47-52); and displaying, in a third window, said target text in the subject name file corresponding to a selected one of the subjects in the second window, using a corresponding one of the second set of hyperlinks. (Sotomayor Col 38 Lines 53-56)

In regard to dependent claim 3, Sotomayor discloses including the step of initially loading said target text from a first text file into a second text file, wherein a beginning delimiter indicating a subject name, and a text delimiter indicating the text associated with the subject name, for each subject therein, are inserted into the second text file. (Sotomayor Col 37 Lines 24-35 and Col 36 Lines 62-67 and Col 37 Lines 1-24)

In regard to dependent claim 4, Sotomayor discloses parsing the second text file to detect said beginning delimiter; generating the subject name file for the associated

subject name following the beginning delimiter; parsing the second text file to detect said text delimiter and copying the text associated with the subject name in the second text file to the subject name file. (Sotomayor Col 15 Lines 4-30 and 11 Lines 45-59)

In regard to dependent claim 5, Sotomayor discloses defining a plurality of indices (Sotomayor Col 11 Lines 19-30); creating a category file comprising a plurality of said indices and a group of related subjects corresponding to each of the indices; and creating said data structure by associating each said subject with a corresponding one of said indices in accordance with the category file. (Sotomayor Col 17 Lines 5-18)

In regard to dependent claim 6, Sotomayor discloses wherein a hyperlink is created that links one of the indices directly with said text associated therewith. (Sotomayor Col 36 Lines 52-56)

In regard to dependent claim 9, Sotomayor discloses creating a category file indicating an association between each of the indices and corresponding subject names; generating a data structure associating said indices and said corresponding subject names in accordance with said category file (Sotomayor Col 17 Lines 5-18); generating a plurality of subject name files, each including text corresponding to a subject associated therewith; generating a global index file comprising said hyperlinks to each of said subject name files (Sotomayor Col 15 Lines 4-30 and 11 Lines 45-59); generating a plurality of index files, each including hyperlinks between each of the indices and corresponding said subject name files in accordance with said data structure (Sotomayor Col 11 Lines 19-30 and Col 17 Lines 5-18); displaying, in a first window, in accordance with said index files, a list of category names corresponding to

said indices (Sotomayor Col Abstract Lines 22-25 and Col 38 Lines 42-46); displaying, in a second window, a set of sub-indices comprising a list of subject names corresponding to a selected instance of said category names, in accordance with said index files, in response to a user selecting one of said category names (Sotomayor Col 38 Lines 47-52 and Col 17 Lines 5-18); and displaying, in a third window, said text in said subject name file corresponding to a selected one of said subject names, using said hyperlinks in said global index file, in response to a user selecting one of said subject names in the second window. (Sotomayor Col 38 Lines 53-56)

Sotomayor discloses copying the first set of hyperlinks, the second set of hyperlinks, and the HTML-encoded target text to the web site (Sotomayor Col 36 Lines 35-61 and Col 11 Lines 60-67 and Col 12 Lines 1-10); and updating, on the web site, the hyperlinks necessary to link a web page on the web site to a new version of the document containing the HTML-encoded target text. (Sotomayor Col 4 Lines 22-48 and Col 5 Lines 53-62)

In regard to dependent claim 10, Sotomayor discloses including the additional step of encoding the text for each of the subject name files in HTML format. (Sotomayor Col 36 Lines 35-61 and Col 11 Lines 60-67 and Col 12 Lines 1-10)

In regard to dependent claim 11, Sotomayor discloses initially loading said text from a first text file into a second text file (Sotomayor Col 38 Lines 35-38); and inserting a beginning delimiter indicating a subject name, and a text delimiter indicating the text associated with the subject name, for each subject therein, are inserted into the second

text file; wherein the additional steps are performed prior to copying the text to the web site. (Sotomayor Col 15 Lines 4-30 and 11 Lines 45-59)

In regard to dependent claim 12, claim 12 reflects similar subject matter claimed in claim 4 and is rejected along the same rationale.

In regard to dependent claims 13 and 17, claims 13 and 17 reflect similar subject matter claimed in claim 5 and is rejected along the same rationale.

In regard to dependent claim 15, claim 15 reflects similar subject matter claimed in claim 6 and is rejected along the same rationale.

In regard to dependent claim 16, Sotomayor discloses generating a global index file comprising said commands and a corresponding address of the text associated therewith (Sotomayor Col 34 Lines 58-67 and Col 35 Lines 1-11 and Col 8 Lines 22-23 and Col 40 Lines 8-10); generating a data structure indicative of a correspondence between said categories and associated said commands (Sotomayor Abstract Lines 22-25 and Col 40 Lines 8-10); generating a command name file comprising HTML-encoded text associated therewith, for each of the commands (Sotomayor Col 39 Lines 13-17 and Col 40 Lines 8-10); generating, for each of the categories, a first set of hyperlinks wherein each of the hyperlinks therein links one of the categories to the target text corresponding to one of the commands in one of the categories (Sotomayor Col 38 Lines 61-67 and Col 39 Lines 1-4 and Col 40 Lines 8-10); and generating a second set of hyperlinks wherein each of the hyperlinks therein links one of the commands to the text corresponding thereto in the command name file. (Sotomayor Col 38 Lines 25-45 and Col 40 Lines 8-10)

In regard to dependent claim 18, Sotomayor discloses displaying, in a first window, in accordance with said data structure, a list of the categories (Sotomayor Col Abstract Lines 22-25 and Col 38 Lines 42-46 and Col 40 Lines 8-10); displaying, in a second window, a list of commands corresponding to a selected one of said categories in the first window, using a corresponding one of the first set of hyperlinks (Sotomayor Col 38 Lines 47-52 and Col 40 Lines 8-10); and displaying, in a third window, the text in the command name file corresponding to a selected one of the subjects in the second window, using a corresponding one of the second set of hyperlinks. (Sotomayor Col 38 Lines 53-56 and Col 40 Lines 8-10)

In regard to dependent claim 19, Sotomayor discloses initially loading said target text from a first text file into a second text file (Sotomayor Col 38 Lines 35-38), wherein a beginning delimiter indicating a subject name, and a text delimiter indicating the text associated with the subject name, for each subject therein, are inserted into the second text file (Sotomayor Col 15 Lines 4-30 and 11 Lines 45-59); parsing the second text file to detect said beginning delimiter; generating the subject name file for the associated subject name following the beginning delimiter; parsing the second text file to detect said text delimiter; and copying the text associated with the subject name in the second text file to the subject name file. (Sotomayor Col 15 Lines 4-30 and 11 Lines 45-59)

(10) Response to Argument

With respect to independent claims 1, 9, and 16, the appellant argues that Sotomayor fails to disclose the following limitations:

- Copying a first set of hyperlinks, a second set of hyperlinks, and HTML-encoded target text to a web site; and
- Updating, on a web site, the hyperlinks necessary to link a web page on the web site to a new version of a document (page 4).

The appellant's main argument focuses on the belief that Sotomayor neither discloses nor mentions a "web site (page 6)." However, the examiner respectfully disagrees. A web site, as known in the art, is a set of related web pages that are served to a user. In the instance of the Internet, a Wide Area Network (WAN), a user submits a request for a web page, stored at a web site, through a URL, specifying the location of the web site and web page. This request is generally submitted through a browser, which upon receiving the request, renders the requested web page. Another type of network, a Local Area Network (LAN), is used to connect computing devices within a close proximity of each other. In a LAN, resources may be available to users which are not available to all users of a WAN. A LAN used in conjunction with an intranet, a private network based upon the same technologies as the Internet, but is strictly internal, allowing protection of data on the intranet. Furthermore, it is also well known that the web site server can be resident in a local, standalone computer. The website server in this case provides a set of linked web pages for a user, using a local computer to browse. Thus the appellant's assumption that a web site server must be implemented on the "Internet" WAN is clearly in error.

Sotomayor discloses the generation of HTML documents viewable through a browser (column 11, line 60- column 12, line 9). These documents are then stored on

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the user's computer (column 21, lines 52-67: Here, the documents are stored with default file names, which a user may later change). Further, it is known that a user is connected to the Internet, as the user is able to obtain HTML documents from the internet (column 11, line 60- column 12, line 9). Summaries are generated from the HTML documents obtained from the Internet (column 12, lines 10-38). These summaries, in HTML and viewable by a browser (column 11, line 60- column 12, line 9), constitute a web site, on a personal intranet consisting of a single user computer.

With respect to updating, the appellant acknowledges that Sotomayor teaches updating (page 7), only contending that the updating is not done to an external source (pages 7-8). However, it is noted that the feature upon which applicant relies (i.e., updating an external source) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to claim 16, the appellant is correct in assuming that the examiner intended to use the same portions of Sotomayor to teach updating as similarly disclosed in claim 1.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Kyle Stork

Conferees: 
Stephen Hong, SPE 2178


Heather Herndon, SPE 2176


STEPHEN HONG
SUPERVISORY PATENT EXAMINER